

Notice of Allowability	Application No.	Applicant(s)	
	10/697,916	SPEARE ET AL.	
	Examiner Carl Colin	Art Unit: 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to communications filed on 10/27/2006 and interview held on January 26, 2007.
2. The allowed claim(s) is/are 1-44.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date 20070126.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jens Jenkins on January 26, 2007.

The application has been amended as follows:

Claim 15. (Currently Amended) In a messaging system comprising a rights management server that controls the type of operations principals can perform on protected content and a message server that receives messages and makes them available to principals or their agents, a method of pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to the rights management server, the method comprising steps for:

receiving by a message server a message and a publishing license from a sending computing system, the message containing protected content;

determining by the message server that the message received from a sending computing system contains protected content which is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management;

upon determining by the message server that the message received from a sending computing system contains protected content, requesting by the message server from a rights management server at least one use license, the publishing license being previously acquired by the sending computing system from the rights management server,

wherein the rights management server issues, to the message server, one or more use licenses that allow one or more principals to access the at least part of the message subject to rights management without subsequent access to a rights management server; and

obtaining, from the rights management server, by the message server, which is distinct from the rights management server, on behalf of one or more principals, said at least one use license, and such that the use license provides the principal access to the content in accordance

with the use license at a time when the principal does not have access to the rights management server.

Claim 29. (Currently Amended) In a messaging system comprising a rights management server that controls the type of operations principals can perform on protected content and a message server that receives messages and makes them available to principals or their agents, a computer program product comprising one or more computer readable media carrying computer executable instructions that implement a method of pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to the rights management server, the method comprising the method of Claim 1:

receiving, by the message server, which is distinct from a rights management server, a message from a sending computing system, the message being subject to rights management in that access to at least a part of the message is controlled through a rights management server, the message server recognizing that the message is subject to rights management,

receiving, by the message server, a publishing license from the sending computing system, the publishing license containing a rights expression identifying the at least part of the message subject to rights management, specifying one or more intended recipients for the at least part of the message subject to rights management, and specifying one or more rights for each of the one or more intended recipients, and wherein the rights expression limits the one or more principals' operation in at least one of re-licensing, printing, forwarding and sharing of the message, the publishing license being previously acquired by the sending computing system from the rights management server;

upon the message server recognizing that the message is subject to rights management, requesting from the rights management server, by the message server on behalf of one or more principals, at least one use license for allowing the one or more principals access to the message, wherein the request includes the publishing license to identify the at least part of the message subject to rights management to the rights management server;

the rights management server issuing to the message server one or more use licenses that allow one or more principals to access the at least part of the message subject to rights management without subsequent access to a rights management server;

receiving, by the message server on behalf of the one or more principals, the at least one use license so that the one or more principals may obtain the at least one use license from the message server and access the at least part of the message subject to rights management without the one or more principals having to request the at least one use license from a rights management server;

providing, by the message server, to at least one of the one or more principals, one or more of the at least one use license; and

receiving, by the principal, from the message server, the content and the use license such that the principal is enabled to access the content in accordance with the use license at a time when the principal does not have access to a rights management server.

Claim 37. (Currently Amended) In a messaging system comprising a rights management server that controls the type of operations principals can perform on protected content and a message server that receives messages and makes them available to principals or their agents, a computer program product comprising one or more computer readable media carrying computer executable instructions that implement a method of pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to the rights management server, the method comprising the method of Claim 15, steps for:

receiving by a message server a message and a publishing license from a sending computing system, the message containing protected content;

determining by the message server that the message received from a sending computing system contains protected content which is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management;

upon determining by the message server that the message received from a sending computing system contains protected content, requesting by the message server from a rights management server at least one use license, the publishing license being previously acquired by the sending computing system from the rights management server,

wherein the rights management server issues, to the message server, one or more use licenses that allow one or more principals to access the at least part of the message subject to rights management without subsequent access to a rights management server; and

obtaining, from the rights management server, by the message server, which is distinct from the rights management server, on behalf of one or more principals, said at least one use license, and such that the use license provides the principal access to the content in accordance with the use license at a time when the principal does not have access to the rights management server.

Response to Arguments

2. The Non-Final response filed on 10/27/2006 has been entered. In response to the communications filed on 10/27/2006, the objection to claim 10 has been withdrawn. Applicant has amended independent claim 1 to incorporate the claim languages as discussed in the personal interview held on September 20, 2006; claims 15, 29, and 37 have also been amended. In a telephone interview held on January 26, 2007 with Jens Jenkins, Examiner suggested that claims 29 and 37 should be written as independent and that claims 15 and 37 should be further amended to make the claim language consistent with the claim language of amended claim 1. Applicant's arguments filed on 10/27/2006 have been fully considered and they are persuasive as amended.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: the prior art of record 5,204,897 to Wyman teaches a license management system to account for software product usage. Upon request of a principal for a use license, a license server or license management facility makes the request on behalf of the user to a license issuer and receives a license document from the license issuer. The prior art of record, 6,189,146 to Misra et al teaches when a company wants a software license, it makes a request to the license clearinghouse which contacts a license server for the license. A license generator assigns a unique digital signature to the license pack to prevent the license pack from being copied. The license server is responsible for distributing the software licenses to the principal and verifies the license generator's digital signature from the clearinghouse on the license pack. The prior arts of record, however, fail to teach singly or in combination: a message server receiving content from a sending computing

system and recognizes that the content is subject to rights management or in response to recognizing the receipt of protected contents requests a use license from a rights management server on behalf of a principal as claimed in claims 1 and 29 in combination with other reciting features. Claims 15 and 37 recite similar limitations. Consequently independent claims 1, 15, 29, and 37 are allowable over the prior arts of record. Claims 2-14, 16-28, 30-36, and 38-44 are directly or indirectly dependent upon claims 1, 15, 29, and 37 and therefore are also allowable over the prior arts of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dc

Carl Colin
Patent Examiner
January 26, 2007

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 2100


1/26/07